

October 7, 2014

By ECF

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Lockheed Martin Corporation v. MTA Capital Construction Co. and Metropolitan
Transp. Auth., 09-CV-6033 (PGG) (GWG)

Dear Judge Gardephe:

We represent the defendants in the above action. Yesterday, we indicated that we would make an application to strike a portion of the affidavit of Michael Gress, dated October 2, 2014. Upon further consideration, we are withdrawing our objection to Mr. Gress's affidavit.

Respectfully submitted,



Ira J. Lipton

cc: Michael Chartan, Esq. (by email)